

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**FILED
SCRANTON**

MAR 31 2011

WILLIAM VICTOR and
DEMETRIUS BAILEY,
Plaintiff

v.

R.M. LAWLER, et al.,
Defendants

CIVIL NO. 3:07-cv-2058

PER

(JUDGE NEALON)

(MAGISTRATE JUDGE CARLSON)

DEPUTY CLERK

ORDER

On November 13, 2007, William Victor and Demetrius Bailey filed the instant civil rights action pursuant to 42 U.S.C. § 1983 against Defendants, past and present employees at the State Correctional Institution ("SCI"), Huntingdon, Pennsylvania. (Doc. 1). After extensive discovery and motions, all claims filed by William Victor have been dismissed, see (doc. 335), as well as all but one of Plaintiff Bailey's claims, (doc. 342). The remaining Eighth Amendment claim, which was exhausted in grievance no. 201025, relates to an alleged excessive use of force on September 12, 2007, and is against Defendants Oakes, Stever, Grove, and Means. (Doc. 342).

After remand, Magistrate Judge Martin C. Carlson issued an Order directing the parties to notify the Court whether they would consent to a trial before a magistrate judge. (Doc. 343). On March 4, 2010, Plaintiff responded that he would not consent. (Doc. 345); (Doc. 347) (The remaining defendants stated that they would consent and that they will need approximately three months to prepare for trial.). Accordingly, Magistrate Judge Carlson issued a Report & Recommendation recommending that because the discovery period has closed, the time for filing dispositive motions has passed, and all dispositive motions have been fully resolved, the case be

listed for trial by the District Court. (Doc. 346).

Accordingly, this 31st day of March, 2011, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (Doc. 346) is **ADOPTED**; and
2. **Trial is scheduled for August 8, 2011**, before the Undersigned. A separate scheduling notice will follow.

A handwritten signature in black ink, appearing to read "William J. Dealon", written over a horizontal line.

United States District Judge